

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DARRAL ELLIS,

Plaintiff,

v.

CLARK COUNTY DETENTION CENTER,
et al.,

Defendants.

Case No. 2:19-cv-00320-JAD-GWF

ORDER

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections (“NDOC”), has filed an application to proceed *in forma pauperis* and a few pages that he has termed “Malpractice complaint additional pages.” (ECF No. 1, 1-1). In a letter to the Court, Plaintiff states that he filed a complaint in 2018, that he sent a letter to the Court asking for his case number, and that he is filing an application to proceed in forma pauperis and wants the Court to add his case number to the application. (ECF No. 1-2).

It is a plaintiff’s responsibility to maintain his case number and place it on all filings with the Court. Furthermore, the Court has no record of a case filed by Darral Ellis in 2018. The only prior case by Mr. Ellis that the Court has found in its database is a case filed in 2017 and dismissed without prejudice in 2018. (Dkt No. 2:17-cv-01843-JCM-GWF at ECF No. 15.)

1 The Court therefore has opened a new case number with the application to
2 proceed in forma pauperis that Plaintiff filed on February 21, 2019. Pursuant to Federal
3 Rule of Civil Procedure 3, "[a] civil action is commenced by filing a complaint with the
4 court." Fed. R. Civ. P. 3. The document that Plaintiff filed with that application (ECF No.
5 1-1) is not a complete complaint. Therefore, the Court grants Plaintiff thirty (30) days from
6 the date of this order to submit a complete complaint to this Court. Plaintiff should use
7 the Court approved form to file the complaint. The Court will defer a decision on the
8 application to proceed *in forma pauperis* until Plaintiff submits a complaint for this case.

9 **II. CONCLUSION**

10 For the foregoing reasons, IT IS ORDERED that a decision on the application to
11 proceed *in forma pauperis* (ECF No. 1) is deferred.

12 IT IS FURTHER ORDERED that Plaintiff shall submit a complete complaint to this
13 Court within thirty (30) days from the date of this order and shall use the case number
14 assigned to him for this case. Plaintiff is reminded that, should he move, he must comply
15 with the requirements concerning notification to the Courts and parties of his new
16 address.

17 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the
18 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The
19 Clerk of the Court shall also send Plaintiff a courtesy copy of the docket in case number
20 2:17-cv-01843-JCM-GWF. Plaintiff may not file any documents in case number 2:17-cv-
21 01843-JCM-GWF.

22 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
23 dismissal of this action may result.

24
25 DATED THIS 1st day of March 2019.

26
27 
28 UNITED STATES MAGISTRATE JUDGE